

REMARKS

This Amendment is filed in response to the non-final Office Action dated May 28, 2009 and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance are respectfully requested.

In the present Amendment, claim 1 has been amended to correct a typographical error with respect to Cyc1. Specifically, Cyc1 has been replaced with ---Cyc1---

Claims 1 and 35 have been amended to recite that M represents 5- to 6-membered cyclic group as suggested by the Examiner.

Claims 1 and 35 have been amended to delete the recitations “a naphthalene ring” and “a benzothiophene ring” in the definition for ring B.

Claim 33 has been amended to delete the recitations “a naphthalene ring” and “a benzothiophene ring” in the definition for ring B¹.

Claims 2-24, 30-31 and 36-49 were canceled previously.

Claim 34 is withdrawn.

No new matter has been added. Support for the amendments can be found in the original claims and in the specification, e.g., on pages 11, lines 1-16, page 28, lines 24-37.

Entry of the Amendment is respectfully submitted to be proper, and no further search is believed to be required as the amendment to the claims delete subject matter and/or is typographical in nature. Upon entry of the Amendment, claims 1, 25-29, 32-35 will be all the claims pending in the application.

I. Response to Claim Objection

Claim 1 is objected to because of informalities. Specifically, the Examiner indicates that there is a typographical error with respect to the variable “Cyc11”; which should recite “Cyc1” and requires a correction.

Claim 1 has been amended to correct the above-mentioned typographical error. Accordingly, withdrawal of the objection of claim 1 is respectfully requested.

II. Response to Rejection Under 35 U.S.C. § 112, 2nd paragraph

Claims 1 and 35 are rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite. Particularly, the Examiner asserts that claims 1 and 35 define “M” as a 3- to 11-membered monocyclic or bicyclic group, but claims 1 and 35 were previously amended to incorporate six fused pyrazine bicyclic ring structures containing the fused “M” ring, wherein the “M” ring represents a 5- or 6-membered monocyclic ring. Thus, the Examiner suggests amending the definition of “M” to recite that “M” represents a 5- to 6-membered group.

Claim 1 and 35 have been amended per the Examiner’s suggestion, to recite that M represents a 5- to 6- membered cyclic group. Accordingly, withdrawal of the rejection is respectfully requested.

III. Response to Rejection Under 35 U.S.C. § 102(b)

Claims 1, 25, 26, 32, 33 and 35 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bradbury, *Journal of Medicinal Chemistry* **1997**, 40(6), 996-1004. Particularly, the Examiner asserts that Bradbury discloses compound No. 71 as illustrated on page 3 of the Detailed Action.

Applicants respectfully traverse in view of the amendments to the claims and the following remarks.

Without acquiescing to the merits of the rejection, claims 1, 33 and 35 have been amended to delete naphthalene ring in the definitions of ring B and ring B¹. Accordingly, withdrawal of the rejection of claims 1, 25, 26, 32, 33 and 35 is respectfully requested.

IV. Response to Provisional Non-Statutory Double Patenting Rejection

Claims 1, 25-29, 32, 33 and 35 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-28 and 30 of U.S. Patent Publication Application No. 2007/0254886.

Applicants respectfully traverse in view of the amendments to the claims and the following remarks.

Applicants respectfully submit that as a response to the Office Action dated January 21, 2009 in co-pending application 2007/0254887, ring D was amended to recite a pyridine ring. In the currently presented claims of the instant application, ring D is pyrazine ring. Accordingly, Applicants respectfully request that the provisional rejection of claims 1, 25-29, 32, 33 and 35 be withdrawn.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Respectfully submitted,

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